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APR 27 2010

**Arnall
Golden
Gregory LLP**

APR 20 2010

OFFICE OF PETITIONS
FACSIMILE

To	Company	Fax No.	Phone No.
Office of Petitions	United States Patent and Trademark Office	(571) 273-8300	Direct phone: 404.873.8518 Direct fax: 404.873.8519 E-mail: dh@agg.com

From	Client/Matter Number	Date
David E. Huizenga	25666.3.8401	April 20, 2010

Total number of pages including this page: 26
If you do not receive all the pages, please call 404.870.5631.

In re Patent of:)	
)	
)	
Patent No.:)	Confirmation No.: N/A
Application No.:)	
)	
Issue Date:)	
Filing Date:)	Art Unit: N/A
)	
For: SYSTEM FOR X-RAY IRRADIATION)	Examiner: N/A
OF BLOOD)	

OFFICE OF PETITIONS**ACCEPTANCE OF DELAYED PAYMENT OF MAINTENANCE FEE IN EXPIRED
PATENT TO REINSTATE PATENT UNDER 37 CFR 1.378(b)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This facsimile and all attachments transmitted with it from the law firm of Arnall Golden Gregory LLP are intended for use only by those to whom it is addressed and may contain information that is legally privileged or confidential. If you are not the intended recipient, please notify us promptly, return this transmission, and do not disclose or distribute it.

2792233v1

171 17th Street NW | Suite 2100 | Atlanta, GA 30363-1031 | 404.873.8500 | Fax: 404.873.8501

PAGE 1/26 * RCVD AT 4/20/2010 5:35:11 PM [Eastern Daylight Time] * SVR:USPTO-EFAX-5/21 * DNIS:2738300 * CSID:404 873 8501 * DURATION (mm-ss):03:44

2010 APR 22 PM 4:30

APR 20 2010

PTO/SB/85 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**Docket Number (Optional)
25666.3.8401Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
Fax: (571) 273-8300RECEIVED
APR 27 2010
OFFICE OF PETITIONSNOTE: If information or assistance is needed in completing this form, please contact Petitions Information at
(571) 272-3282.Patent Number: 6,212,255Application Number: 09/383,226Issue Date: April 3, 2001Filing Date: August 26, 1999

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.368(c) and (d).

Also complete the following information, if applicable:

The above-identified patent:

- ☐ is a reissue of original Patent No. _____ original issue date _____;
original application number _____
original filing date _____
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application
_____ filed on _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR

(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

April 20, 2010

Date


Signature

Leslie Maisano

Typed or printed name of person signing Certificate

(Page 1 of 4)

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

APR 20 2010

PTO/SB/65 (03-08)

Approved for use through 03/31/2012. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input checked="" type="checkbox"/> \$ -0-	3 ½ yr fee	(1551)	<input checked="" type="checkbox"/> \$ 490.00	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 490.00

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 700.00 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 700.00

5. MANNER OF PAYMENT

- ☐ Enclosed is a check for the sum of \$ _____
- ☒ Please charge Deposit Account No. 50-4667 the sum of \$ 1,190.00 .
- ☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

- ☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. 50-4667 .

PTO/SB/65 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

7. OVERPAYMENT

As to any overpayment made, please



Credit to Deposit Account No.

50-4667

OR



Send refund check

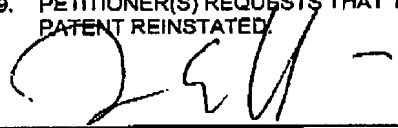
WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.



Signature(s) of Petitioner(s)

April 20, 2010

Date

David E. Huizenga, Ph.D.

Typed or printed name(s)

49,026

Registration Number, if applicable

Arnall Golden Gregory LLP

Address

404-873-8500

Telephone Number

171 17th Street NW, Suite 2100, Atlanta, GA 30363

Address

ENCLOSURES:



Maintenance Fee Payment



Statement why maintenance fee was not paid timely



Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)



Other:

1. Declaration by Randol E. Kirk (2 pgs.)

2. Attachment for Declaration by Randol E. Kirk (9 pgs.)

3. Declaration by Leo J. Aubel (1 pg.)

4. Declaration by David E. Huizenga (2 pgs.)

5. Copy of USPTO Bibliographic Data Sheet for US Patent No. 6,212,255 (1 pg.)

6. Copy of Revocation Power of Attorney 3.73(b) as electronically filed on April 20, 2010


PTO/SB/65 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."



Signature

April 20, 2010

Date

David E. Huizenga, Ph.D.

Type or printed name

49,026

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

** See attached paper entitled Acceptance of Delayed Payment of Maintenance Fee in Expired Patent to Reinstate Patent Under 37 CFR 1.378(b).

(Please attach additional sheets if additional space is needed)

[Page 4 of 4]

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APR 20 2010

Docket No.: 25666.3.8401
PATENTCERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted via facsimile transmission to: Office of Petitions, United States Patent and Trademark Office, facsimile number (571) 273-8300, on the date indicated below.

Date: April 20, 2010


Leslie Maisano

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OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:	Randol E. Kirk)	
Patent No.:	6,212,255)	Confirmation No.: N/A
Application No.:	09/383,226)	
Issue Date:	April 3, 2001)	
Filing Date:	August 26, 1999)	Art Unit: N/A
For: SYSTEM FOR X-RAY IRRADIATION OF BLOOD)	Examiner: N/A

OFFICE OF PETITIONSACCEPTANCE OF DELAYED PAYMENT OF MAINTENANCE FEE IN EXPIRED
PATENT TO REINSTATE PATENT UNDER 37 CFR 1.378(b)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Included with this Petition is the required maintenance fee set forth in § 1.20 (e)-(g) of \$490;

(2) the surcharge set forth in § 1.20(i)(1) of \$700; and

2789264v1

Patent No.: 6,212,255
Issue Date: April 3, 2001

2

Docket No.: 25666.3.8401

(3) a showing that the delay was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent.

The above-identified application became abandoned for failure to file a timely maintenance fee as of April 3, 2004. Patentee hereby petitions the Commissioner for revival of the above-identified patent.

The last communication received from the U.S. Patent and Trademark Office according to the USPTO website was October 20, 2004, according to the PTO electronic fee website. A print out of the Bibliographic Data Sheet is attached hereto. Neither Patentee nor their prosecution counsel, Leo Auble, have any record, or recollection, of having received this notice.

Patentee and Counsel for Patentee each attest to the following. Leo Auble, was the designated mail recipient for the above-identified patent. Mr. Auble has no record of receiving the October 20, 2004 mailing from the PTO, and it is Mr. Auble's standard practice to maintain such records. Patentee and Mr. Auble also have the standard practice, whereby Mr. Auble notifies the Patentee and receives money from Patentee for paying the fees such as the missed maintenance fee payment. Patentee has no record of receiving such notice, nor indicating payment, nor an indication in bank records that such instruction was given. Neither Patentee nor Mr. Auble have any record or recollection of receiving the October 20, 2004 mailing.

The first indication to Patentee that the Patent had gone abandon was in a pleading in federal court in which a licensee of the Patent claimed a breach for the Patent having gone abandon. Litigation counsel for Patentee, Arnall Golden Gregory LLP, received notice of the complaint on April 8, 2010. Since that time, Litigation counsel, Patentee, and Mr. Auble, have verified the issues, identified the needed records, searched for the needed records, analyzed the needed records, produced the affidavits, and responded herein. No delay occurred in taking this action.

2789264v1

Patent No.: 6,212,255
Issue Date: April 3, 2001

3

Docket No.: 25666.3.8401

An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.378(b) was unavoidable is believed to have been provided herein.

Please charge our Deposit Account No. 50-4667 in the amount of \$1,190.00 covering the fee set forth in 37 CFR 1.20(i)(1).

Declarations of David E. Huizenga of the law firm of Arnall Golden & Gregory, LLP, Leo Auble, and Randol Kirk are being filed concurrently herewith in support of Patentee's Petition.

The reasons for the unavoidable delay, as fully set forth in the accompanying Declarations, as well as herein, provide adequate basis for the revival of the above-identified Patent.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-4667, under Order No. 25666.3.8401.

Dated: April 20, 2010

Respectfully submitted,

By: 

David E. Huizenga, Ph.D.

Registration No.: 49,026

ARNALL GOLDEN & GREGORY, LLP

Correspondence Customer Number: 53449

Attorney for Applicant

2789264v1

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APR 20 2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Randol Kirk

Patent No.: 6,212,255

Art Unit: N/A

Issued: April 3, 2001

Examiner: N/A

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APR 27 2010
OFFICE OF PETITIONS

For: SYSTEM FOR X-RAY IRRADIATION OF BLOOD

Assistant Commissioner for Patents
Washington, D.C. 20231

DECLARATION BY RANDOL E. KIRK

Sir:

I, Randol E Kirk, hereby declare that:

1. I am the patent holder and CEO of Rad Source Technologies Inc., the Assignee of US Patent No: 6,212,255, SYSTEM FOR IRRADIATION OF BLOOD.

2. My role with the above-mentioned patent was to approve and issue payment for renewal of the Patent. In accordance with the practice of Mr. Leo Aubel, our patent attorney, we established a method for payment of fees surrounding certain patents I and Rad Source hold. The method of payment was a check drawn on First Southern Bank until 2004 and Suntrust Bank thereafter. We have payment trails for payments both before and after the renewal transaction date of 6,212,255. Copies of these payments are attached to my Declaration. However, no specific information of any sort is available for the period from April, 2004 to July, 2006. The patent had been licensed in 2003 and I have not had notice of the fact that this patent went abandon until Arnall Golden Gregory, LLP contacted me on April 9th. I have personally

U.S. Patent No. 6,212,255

Issued: Apr. 3, 2001

DECLARATION OF RANDOL KIRK

reviewed all records pertaining to intellectual property of mine and Rad Source, and I have specifically checked our records relating to the USPTO and from Mr. Aubel. I have no records pertaining to any transaction regarding patent 6,212,255 after our instructions for payment of the issue fee. Neither I, nor my staff, have any recollection of receiving anything related to the maintenance fee transaction or a need for payment, but it was our practice when we received such information to instruct payment. I have followed this process for payment with other patents in my and Rad Source's name.

I declare that all statements made herein of my own knowledge and belief are true and that all statements made on information and belief are believed to be true, and further, that the statements are made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 04-20-2010

Attachment for Declaration by Randol E. Kirk

FROM : AJBE

FAX NO. : 1234567890

Jul 11 2021 11:35AM 01

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OFFICE OF PETITIONS

*Please
file in
PATENT
C-1*

October 18, 2000

Mr. Will Hartman, CFO
RadSource, Inc.
475 Ramblewood Dr., Suite 207
Coral Springs, FL 33071

Fax (954) 755-5306

Dear Will:

Per your request, this is a brief overview of our current patent activity. Please show this to Randy, for his review and/ or correction.

- A. System for X-ray Irradiation of Blood-- Randol E. Kirk, inventor
Utility Application filed on 08/26/99, Ser. No. 09/385226
We should be hearing from U.S. Patent Office shortly.
- B. Low Energy On Line Irradiator System--Randol E. Kirk, inventor
Provisional Application filed on 05/03/00 Ser. No. 60/201480
Utility application due by 05/03/01.
- C. Linear X-ray Source (Long Tube)-Daniel F. Gorzen & Randol E. Kirk, inventors.
Provisional application filed in 12/07/98. Utility application was due by 12/07/99--after various rewriting, and re-evaluation etc., it was determined that invention was not developed sufficiently to warrant filing either utility application or supplemental provisional application..
- D. Low Energy On Line Irradiator With Swept Electron Beam--
Randol E. Kirk, inventor
Provisional Appl. filed on 06/12/00. Ser. No. 60/210994. Utility application due by 05/12/01.
- E. X-ray Reflector System-- Randol E. Kirk & Gueorgui Gueorguiev, inventors.
Provisional Appl. version one, prepared, not filed
Provisional Appl. version two, prepared, not filed
- F. X-Ray Reflector System With Low X, High Density Material
(Boron Carbide Reflector as the Preferred Embodiment)-- Gueorgui Gueorguiev, inventor. This invention is a evolution of item E., above.
Utility Application is prepared, is under review by Randy and Georgi; to be filed by Nov. 1, 2000. A corresponding patent application is to be filed in Euro countries (filing in U.S. protects rights in Euro for one year period).

Rev 2-99

ISSUE NOTIFICATION



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	PATENT NUMBER	ISSUE DATE	ATTORNEY DOCKET NO.
09/383,226	6212255	04/03/01	

2255
LEO J AUBEL
111 RIVERSHIRE LANE
LINCOLNSHIRE IL 60069

7707

#67

APPLICANT(S) RANDOL E. KIRK, CORAL SPRING FLORIDA

04/20/2010 17:25 FAX 404 873 8501

ARNALL GOLDEN & GREGOR

014

FROM : AUBEL

FAX NO. : 1234567890

Feb. 05 2002 11:41AM P1

LEO J. AUBEL, P.C.

Patent Attorney
111 Rivershire Lane
Lincolnshire, IL 60069

Feb. 5, 2002

William M. Hartman
Rad Source Technologies, Inc.
20283 State Road 7 Suite 107
Boca Raton, FL 33498

Via Fax 561-4

Invoice 2/02

Disbursements:

Irradiation System and Method Using
X-Ray and Gamma-Ray Reflector
Inventor-Gueorgui Gueorguiev
USA Patent office Ser. No. 09/709,396
Issue fee (and three copies of patent) \$649.00

Irradiation System and Method Using
X-Ray and Gamma-Ray Reflector
Inventor-Gueorgui Gueorguiev
To UK (England) Associate for European
Patent application 2000.00
Misc. 17.50
Total \$2665.50

FROM : AUBEL

FAX NO. : 1234567890

Dec. 02 2003 10:49AM P1

LEO J. AUBEL, P.C.

Patent Attorney
111 Rivershire Lane
Lincolnshire, IL 60069

Ph (847) 634-8923
Fax (847) 634-8985
email-leoaubel@utbi.com

December 3, 2003

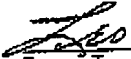
William M. Hartman
Rad Source Technologies, Inc.
20283 State Road 7 Suite 107
Boca Raton Florida 33498

Re: European Patent Application NO. 02251081.2
Rad Source Technologies, Inc.

Will:

I have received Randy's verbal authorization to instruct payment of the Substantive Examination and the Designation fees for the subject application. The amounts due are \$3792.00, plus the processing fees of \$400.00. The amounts may vary a bit dependent on the exchange rate. Please send me two checks, one for \$3792 and the other for \$400.00 so I can forward them to our UK associate.

Sincerely,


Leo J. Aubel

3471 4.400

12/3/03

3477

12/3/03 \$ 3,792.00

7777 Glades Road, Suite 217, Boca Raton, FL 33434
(561) 487-5252 Facsimile (561) 487-7502
Website: www.radsources.com

67
**Rad Source
Technologies, Inc.**

Fax

To:	Leo J. Aubel	From:	Rita Shapiro
Fax:	(847) 634-8985	Pages:	1 (Including Cover)
Phone:		Date:	2/5/04
Re:		CC:	

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Rad Source has moved to a new location:

7777 Glades Road
Suite 217
Boca Raton, FL 33434

Phone: 561-487-5252; Fax: 561-487-7502

e-mail and website remain the same.

TRANSMISSION VERIFICATION REPORT

TIME : 02/05/2004 15:54
NAME : RADSOURCE
FAX : 5614829352
TEL : 5614829330
SER.# : BROA3J123313

DATE, TIME	02/05 15:53
FAX NO./NAME	18476348995
DURATION	00:01:24
PAGE(S)	01
RESULT	OK
MODE	STANDARD

67

✓

LEO J. AUBEL
111 RIVERSHIRE LANE
LINCOLNSHIRE, ILLINOIS 60069
PHONE (847) 634-8923
FAX (847) 634-8985

August 12, 2004

Will Hartman, V.P.
Rad Source Technologies Inc.
7777 Glades Rd. Suite 217
Boca Raton, FL 33434

Invoice

Disbursements

Patent Application 60/57408

Filing fee and Express mail (13.65)

\$93.65

Services:

X-Ray Tube With Cylindrical Anode

Preparing and filing Patent Appln. 60/574708,

May 26, 2004.

3000.00

Total

\$3093.65

cc: Randy Kirk
Rad Source Technologies Inc.
1517 Bryn Mawr Ave. NE
Albuquerque, NM 87106

3823

8/25/04

09/07/2005 12:37 8476348985

LEO AUBEL

PAGE 01

LEO J. AUBEL
111 RIVERSHIRE LANE
LINCOLNSHIRE, ILLINOIS 60069
PHONE (847) 634-8923
FAX (847) 634-8985

August 2, 2005

William M. Hartman, CFO
RAD SOURCE TECHNOLOGIES, INC.
7777 Glades Road Suite 217
Boca Raton, FL 33434

Invoice

Disbursements:

Improved Long Tube

Inventors: Randol E. Kirk & Daniel F. Gorzen

US Pat. Off. filing fee & express mail

\$513.65

Services:

Preparing utility application based on provisional
applications and various disclosures, drafting new claims
preparing legal documents and filing application

4400.00

Total

\$4913.65

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APR 20 2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Randol E. Kirk

Patent No.: 6,212,255

Art Unit: N/A

Issued: April 3, 2001

Examiner: N/A

For: SYSTEM FOR X-RAY IRRADIATION OF BLOOD

Assistant Commissioner for Patents*
Washington, D.C. 20231DECLARATION BY LEO J. AUBEL
Under 37 CFR 1.132

Sir:

I, Leo J. Aubel, hereby declare that:

1. I am a patent attorney residing at 111 Rivershire Lane in Lincolnshire, Illinois.
2. My role with the subject US Patent 6,212,255 was that I prepared and prosecuted the patent application that issued to Randol E. Kirk as said Patent No. 6,212,255. I also prepared and prosecuted the patent application that issued as US Patent No. 6,614,876, also issued to Randol E. Kirk, that improved on, and superseded the subject matter of Patent No. 6,212,255.

I declare that all statements made herein of my own knowledge and belief are true and that all statements made on information and belief are believed to be true, and further, that the statements are made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Leo J. Aubel

4/14/2010

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APR 20 2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Randol Kirk

Patent No.: 6,212,255

Art Unit: N/A

Issued: April 3, 2001

Examiner: N/A

RECEIVED

APR 27 2010

OFFICE OF PETITIONS

For: SYSTEM FOR X-RAY IRRADIATION OF BLOOD

Assistant Commissioner for Patents
Washington, D.C. 20231

DECLARATION BY DAVID E. HUIZENGA

Sir:

I, David E. Huizenga, hereby declare that:

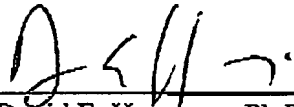
1. I am an attorney at Arnall Golden Gregory LLP, with USPTO Registration No. 49,026.
2. My role with the above-mentioned patent was to review the issues surrounding notice regarding an "expired patent," and to coordinate production of the Petition for Revival and supporting documents.
3. I was notified by Scott Taylor, a litigation partner in my firm, that an amended complaint was noticed to us on April 8, 2010 in Case No. 09-61652-Gold/McAliley in United States District Court for the Southern District of Florida between MDS (Canada) Inc. et al. and Rad Source Technologies, Inc. After review, Scott Taylor contacted me on April 9, 2010, and I began searching for which patent may be referenced in the complaint. On Friday April 10, 2010, we identified patent 6,212,255 as a patent which we believed to be unexpired, but realized it had

U.S. Patent No.: 6,212,255
Issue Date: April 3, 2001
DECLARATION UNDER 37 C.F.R. § 1.132

apparently expired. I then began directing the collection of information regarding the patent between Georgia, where the records of Rad Source Inc. are kept, New Mexico, where Randol Kirk, the inventor lives, and where Leo Able, the prosecuting patent attorney lives. I directed the production of the Petition to Revive and the corresponding attachments, diligently each day since being notified, until the filing of the Petition.

I declare that all statements made herein of my own knowledge and belief are true and that all statements made on information and belief are believed to be true, and further, that the statements are made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: April 20, 2010



David E. Huizenga, Ph.D.
Reg. No. 49,026

USPTO - Patent Bibliographic Data (Patent Number: 6212255)

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Patent Bibliographic Data		04/20/2010 03:06 PM	
Patent Number:	6212255	Application Number:	09383226
Issue Date:	04/03/2001	Filing Date:	08/26/1999
Title:	SYSTEM FOR X-RAY IRRADIATION OF BLOOD		
Status:	Expired for non-payment on: 04/03/2005		Entity: Small
Window Opens:	04/03/2004	Surcharge Date:	10/05/2004
Fee Amt Due:	\$0.00	Surchg Amt Due:	\$0.00
Fee Code:		Total Amt Due:	\$0.00
Surcharge Fee Code:			
Most recent events (up to 7):	04/04/2005 Patent Expired for Failure to Pay Maintenance Fees. 10/20/2004 Maintenance Fee Reminder Mailed. -- End of Maintenance History --		
Address for fee purposes:	LEO J AUBEL 111 RIVERSHIRE LANE LINCOLNSHIRE, IL 60069		
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ATTORNEY DOCKET NO. 25666.3.8401
PATENT**CERTIFICATE OF ELECTRONIC TRANSMISSION UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted via electronic transmission via EFS-Web on the date indicated below.

Date: April 20, 2010/Leslie Maisano/
Leslie Maisano

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:)	Art Unit: N/A
Randol E. Kirk)	
Application No: 09/383,226)	Examiner: N/A
Filing Date: August 26, 1999)	Confirmation No.: N/A
Patent No.: 6,212,255)	
Issue Date: April 30, 2001)	
For: SYSTEM FOR X-RAY IRRADIATION)	
OF BLOOD)	

**REVOCATION OF PRIOR POWER OF ATTORNEY,
APPOINTMENT OF NEW POWER OF ATTORNEY, AND
STATEMENT UNDER 37 C.F.R. § 3.73(b)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ARNALL GOLDEN GREGORY LLP
Customer Number 53449

Sir:

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Rad Source Technologies, Inc. states that it is the Assignee of the entire interest in the patent identified above as evidenced by the following chain of title:

2791917v1

1

ATTORNEY DOCKET NO. 25666.3.8401
Patent No.: 6,212,255

1: From: Randol E. Kirk
To: Rad Source Technologies, Inc.
Recorded at Reel 024233/Frame 0833.

REVOCATION OF PRIOR POWER OF ATTORNEY

Rad Source Technologies, Inc. hereby revokes all Powers of Attorney previously given with respect to the above-identified patent.

NEW POWER OF ATTORNEY

Rad Source Technologies, Inc. hereby appoints to represent the attorneys/agents associated with

Customer No. 53449

in connection with all matters pertaining to the above-identified patent, with full power of substitution, association and revocation, to prosecute said patent and to transact all business in the U.S. Patent and Trademark Office connected therewith.

CORRESPONDENCE ADDRESS

Address all correspondence to the address of record for

Customer No. 53449

Please direct all communications to the attention of:

David E. Huizenga, Ph.D.

Registration No.: 49,026


Telephone: (404) 873-8518

Facsimile: (404) 873-8519

ATTORNEY DOCKET NO. 25666.3.8401
Patent No.: 6,212,255

The undersigned (whose title is supplied below) is authorized to act on behalf of the Assignee.

I declare that all statements made herein of my own knowledge and belief are true and that all statements made on information and belief are believed to be true, and further, that the statements are made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

RAD SOURCE TECHNOLOGIES, INC.By: Print Name: Randol E. KirkTitle: CEODate: 24 2C 2010